

REMARKS

Claims 1-10 are pending in this application. No claims have been canceled or added.

Submission of an Abstract

The Examiner requires that an Abstract of the Disclosure be submitted in conformance with 37 CFR 1.72(b). Applicants hereby submit an Abstract pursuant to 37 CFR 1.72(b) and MPEP 608.01(b). As such, the rejection should be withdrawn.

Rejections under 35 USC 103(a)

The Examiner rejects claims 1-10 as obvious over Lin, Semakov, or Zheng in view of Charos, Peleg or Speyer. Applicants traverse the rejection and respectfully request the withdrawal thereof.

Applicants submit that the instant invention is directed to a method and device for obtaining, in a rapid and simple manner, a large number of measuring points suitable for measuring a dependent property of a liquid as a function of two independent variables, namely temperature and concentration. The instant invention is well suited for the production of three-dimensional diagrams, such as phase diagrams, by the application of computer technology.

The excellent results of the instant invention are achieved by measuring the dependent variables as a function of the independent variables, by continuously or gradually amending the independent variables in a predetermined way with the assistance of control

programs. The measuring of the dependent variable(s) is/are repeated for the desired measuring points of the independent variables in the same measuring cell. The independent variable, temperature, is determined by computer calculation from the temperature control program or by actual temperature measurements. The other independent variable, concentration, is determined by computer calculation based on data from the control program for the change of component concentration.

The instant invention makes it possible to scan and to make a large number of measurements automatically over large temperature and concentration intervals. As a result, the handling of a large number of samples can be avoided. The measuring points and the values of the variables can also easily be electronically stored on a computer, coordinated and visualized in three-dimensional diagrams.

The Examiner cites six references in combination in an attempt to arrive at the instant invention. The closest reference is Lin et al. Lin discloses that twenty-one NaCl solutions were prepared with concentrations from 0 to 5 M with increments of 0.25 M. Cuvettes were charged with the different solutions and the spectra for each solution was measured. The method of Lin is very tedious and time consuming and is representative of the state of the art prior to the instant invention. The instant invention, however, is time efficient, as all the measurements of the dependent variables

are made in the same cell and the independent variables are regulated by the control program. Lin does not disclose a method that utilizes a computer to display a three dimensional diagram of the results. However, the Examiner relies on Speyer, Charos and Peleg, which disclose the use of a computer system to display results as a three dimensional diagram.

Applicants submit that one of ordinary skill in the art would not be motivated to combine Lin with Speyer, Charos or Peleg to arrive at the instant invention. The Examiner is using impermissible hindsight to construct the instant invention from the references. The Examiner merely relies on Applicants' own teachings to form the obviousness rejection. The Examiner has taken the instant invention and divided it into two parts, i.e. a method and device for measuring variables and a mechanism for displaying the data in a three-dimensional diagram. The Examiner has found a similar method in one reference and a computer program that displays data in three-dimensional diagrams in a separate reference. However, neither reference suggests combining the two to arrive at the instant invention. Such hindsight reconstruction is impermissible according to MPEP 2141 and In re Deminski, 796 F.2d 436, 443 230 USPQ 313, 316 (Fed. Cir. 1986).

For the foregoing reasons, Applicants submit that the instant invention is patentable over the cited references, as the Examiner

has failed to make a prima facie case of obviousness. As such, the rejection should be withdrawn and the claims allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$\$55.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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